

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KIRK D. ROBINSON,

Plaintiff,

v.

RICHARD KOPF, District Judge (Ret.), and
JOSEPH BATAILLON, District Judge,

Defendants.

8:23CV452

**MEMORANDUM
AND ORDER**

This matter is before the Court on Plaintiff’s Motion for a Change of Venue. ([Filing No. 7.](#)) Plaintiff asks that this “case be moved to a completely different circuit altogether” as “this is the only way to ensure . . . that he gets a fair, unbiased and impartial hearing in a court of law.” (*Id.*) As grounds for his motion, Plaintiff points to this present action in which has sued Judge Richard Kopf and Judge Joseph Bataillon of this Court.

Venue is generally governed by 28 U.S.C. § 1391, which “govern[s] the venue of all civil actions brought in district courts of the United States” and provides, in pertinent part, that:

(b) Venue in general.—A civil action may be brought in—

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any

defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b). Venue is clearly proper in the District of Nebraska as both defendants reside in this district and the events that are the subject of the Amended Complaint ([Filing No. 6](#)) occurred here. Thus, Plaintiff has not demonstrated that a change in venue is appropriate.

To the extent Plaintiff's motion seeks to have his case considered by a different judge other than Judge Bataillon, such request is now moot as Judge Bataillon recused himself from this matter, as well as all of Plaintiff's pending cases, because Plaintiff named Judge Bataillon as a defendant. (See [Filing No. 8](#).) This matter has been reassigned to the undersigned and will progress accordingly.

IT IS THEREFORE ORDERED that: Plaintiff's Motion for a Change of Venue ([Filing No. 7](#)) is denied.

Dated this 1st day of December 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge